

RESPONSE TO OFFICE ACTION

A. Status of the Claims

Claims 6, 17-18 and 24 have been cancelled herein and new claims 33-52 added. New claims 33-35 were suggested by the Examiner in the Fourth Office Action and support for the claims can be found as set forth therein. Support for new claims 36-47 can be found, for example, at pages 17-31 of the specification. Support for claims 48-52 can be found, for example, at pages 4-7, 10-13 and 31-32. The Office is authorized to deduct any fee that may become due in light of the amendments from *Fulbright & Jaworski, L.L.P.* Account No. 50-1212/HFSC:006US.

B. Rejection of Claims Under 35 U.S.C. §112, First Paragraph – Enablement and Written Description

The Action rejects claims 6, 17, 18 and 24 under 35 U.S.C. §112, first paragraph for both an alleged lack of written description and an alleged lack of enablement. Applicants respectfully traverse the rejection but note that, in the interest of compact prosecution of the instant case, the claims have been canceled herein.

New claims 33-52 fully comply with 35 U.S.C. §112, first paragraph. In this regard, Applicants note that each of the added claims correspond to those suggested by the Examiner in the instant case (claims 33-35) or claims suggested by the Examiner supervisor, Examiner Nelson, in the context of other cases directed to corn varieties and including a similar specification and description (claims 36-52). The Office has therefore acknowledged that these claims satisfy the first paragraph of §112. It is therefore respectfully submitted that the claims are in condition for allowance and such action is respectfully requested.

C. Rejection of Claim 24 Under 35 U.S.C. §112, Second Paragraph

The Action rejects claim 24 as being indefinite. Applicants respectfully traverse the rejection but note that, in the interest of compact prosecution of the instant case, the claim has been canceled herein. Removal of the rejection is thus respectfully requested.

D. Conclusion

This is submitted to be a complete response to the referenced Office Action. In conclusion, Applicants submit that, in light of the foregoing remarks, the present case is in condition for allowance and such favorable action is respectfully requested.

The Examiner is invited to contact the undersigned at (512) 536-3085 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Robert E. Hanson
Reg. No. 42,628
Attorney for Applicants

FULBRIGHT & JAWORSKI, L.L.P.
600 Congress Ave., Ste. 1900
Austin, Texas 78701
(512) 474-5201

Date: February 10, 2004